

**CDPH/EPA Monthly Management Meeting
December 2, 2009
10 am, CDPH Offices, Sacramento
DRAFT Minutes**

Participants in person: Gary Yamamoto, Carl Lischeske, Paul Collins, Duncan Wilson, Addie Aguirre (for ARRA discussion), and Kelvin Yamada of CDPH; Corine Li, Jill Korte, and David Albright, George Robin, and Adam Freedman (for carbon capture & sequestration discussion) of EPA R9.

Participants by phone: Rich Haberman, Kurt Souza, Heather Collins, and Leah Walker (for ARRA discussion) of CDPH; Joel Jones, Kevin Ryan, Jason Gambatese, Jennifer Sui, and Jose Caratini (for ARRA discussion) of EPA Region 9.

Action Items

1. Determine how we need to proceed in granting LADWP a 2-year MCL extension for compliance with the Stage 2 DBP MCLs. *(Korte)*
2. Review the small system LT2 E. coli monitoring data to determine whether the E.coli trigger was exceeded and any systems are required to conduct cryptosporidium monitoring; report to Jason Gambatese at EPA by mid-December. *(REs coordinate the information collection and send to Division office; Division office will collate information and report to EPA.)*
3. Before the end of December, provide a list of sanitary survey training participants (CDPH staff) for each location so that we can determine LPA slot availability *(Wilson, Walker)*.
4. Set up a conference call with the REs the week of January 4th or 11th to further discuss the sanitary survey trainings. *(Ryan)*
5. Clarify with Brian Philips of RCAC the necessity of holding the Northern California arsenic training in Sutter County (Yuba City or Live Oak) rather than Napa as RCAC has discussed. *(Ryan)*
6. Discuss with CRWA the regulatory training needs for small systems. *(Korte, Ryan)*
7. Continue quarterly follow-up with District Engineers on federal lead and copper and SWTR failure to filter violations cleanup. *(Schmidt)*

Next Meeting/Call

Wednesday, January 27, 2010, 10:00 am.

Discussion Notes

1) CDPH/EPA Administrative Updates

CDPH.

Personnel changes. Rufus Howell will be retiring on December 30, 2009. CDPH is now advertising for his position. Effective January 1, 2010, Stefan Cajina will become the Region II Engineer. Rich Haberman will also be retiring at the end of the year. Duncan Wilson had been considering retirement at the end of the year, but may stay on if he is selected for a new position.

Budget. California has a \$2.5 billion deficit in this year's budget, but there is no required action yet to address the deficit. Rumors of possible pay cuts rather than furloughs are driving retirements. Existing vacancies may be cut across the board, so DDWEM is moving to protect as many positions as possible by filling the vacancies. Certain positions and activities cannot be funded through the fee programs and are dependent on the general fund. It is these positions and activities that are vulnerable. The Los Angeles laboratory is the most vulnerable as it comprises 20% of DDWEM's general fund budget. All the State's microbiological functions are in L.A. Maintaining the laboratory has previously been justified by the lab's ability to respond to emergencies in a timely fashion and operate as a back up to Richmond, and its proximity to the large groundwater contamination sites. The Governor must present a budget by January 1, 2010 and is likely to do so by special legislative session or special address.

Once Proposition 84 dollars are gone, there is no source of State SRF match monies. This will become a problem in 2012 unless bonds are issued. There will be a measure on the ballot for water related bonds, but there is no guarantee that it will be successful. The Department of Finance is not particularly sympathetic to bond issuance at this time.

Regulatory. The Groundwater Rule and ELAP packets will be moved to the Office of Regulations soon. ELAP was moved to DDWEM as part of the recent reorganization. The ELAP regulatory packet includes a fee increase designed to make the ELAP program self-sufficient.

The lower lead limits in plumbing fixtures become effective January 1, 2010. (AB 1953 and companion bills SB1334 and SB1395 set the lead limits, allow third parties to certify lead content, and require the state to develop a test method.)

EPA.

Budget. EPA has a budget but has not received final PWSS allocations from Headquarters yet.

New RA. Jared Blumenfeld, formerly with the City of San Francisco, has been appointed EPA Region 9 Administrator. He has expressed the opinion that EPA does not have a lot of visibility and could benefit from working with communities directly. CDPH would welcome the opportunity to engage with Blumenfeld.

National Priorities. At the ASDWA meeting, Cynthia Dougherty stressed the February 17, 2010 deadline to have all ARRA dollars in construction contracts. Funds not encumbered by that date will be reallocated. Cynthia Dougherty also identified safeguarding public health, promoting sustainability, addressing climate change, and drinking water security as priorities for the drinking water program this year. Nationally, the urban waters initiative and the nutrient strategy, including source water protection, are top priorities. CDPH says the nutrient strategy is in line with state concerns as nitrate is the number one contaminant in groundwater in California. Although many sources are treated or blended to produce safe drinking water, the contaminated sources remain. Nitrate contamination is due to both agriculture and septic systems.

External inquiries into drinking water. There have been a number of external inquiries into drinking water, including questions on the effectiveness of EPA in its oversight role. Senator Boxer has most recently made inquiries in preparation for a December 8, 2009 Environment and Public Works (EPW) senate committee hearing. The focus has been on arsenic, radionuclides, and schools. Although she is concerned about Nevada and Arizona, Boxer appears to be most interested in obtaining an assessment of the arsenic situation in California. The Region has provided anecdotal information on O&M challenges and costs, and information on ARRA projects associated with schools. The Region 9 message is that compliance with the arsenic standard is a small system issue and that we are meeting our GPRA goals with respect to the percent of the population served water that meets health based standards. The Region is supporting O&M training for small systems and analysis of the true O&M costs.

Science Advisory Board visit. The Science Advisory Board (SAB) will be visiting Region 9 in January to discuss science and technology needs at EPA. CDPH should let us know if there is anything they want us to raise to the SAB.

Capacity Development. EPA will be updating the capacity development program, with emphasis placed on funding options for small systems using states' provisions for disadvantaged communities and incentives and opportunities for consolidation.

Perchlorate. In early January 2010, a recommendation regarding regulation of perchlorate in drinking water will be made to Lisa Jackson.

2) Carbon Capture and Sequestration presentation.

Adam Freedman of EPA provided an overview of carbon capture and sequestration and the status of EPA's proposed regulation; George Robin and David Albright were also present to help answer questions. The subject matter of the questions included distance of available saline aquifers from points of carbon production/capture; how a party controls/owns aquifer pore spaces; the meaning of "failure"; requirement for remediation plans in case of failure; and the AWWA position/letter.

There is currently one viable carbon sequestration pilot project in Region 9, the Shell/C6 Fairfield site located in Solano County at Bird's Landing south of Fairfield. They are proposing 1 to 2 months of injection into a deep saline aquifer with approximately 2

years of monitoring. EPA Region 9 expects to permit the pilot project within the next 2 months or so.

3) ARRA Issues.

CDPH briefed Cynthia Dougherty on California's ARRA efforts and Cynthia expressed her satisfaction with California's program, procedures, and progress. However, Peter Silva chose to measure progress using the February 2010 end point of having all projects in contract as opposed to some intermediate goal and prepared a chart which did not show California in an appropriate light.

- Golden State Water needs less funding than anticipated, freeing some monies for award to other systems.
- CDPH has good information on bids and approximately one third of the projects have bids that are higher than the engineer's estimates.
- Sacramento has a contract in place for meter installation and discovered that the meters had parts made in Canada and could not be used under ARRA. For those meters already in the ground, documentation for the de minimus waiver will be prepared. Counsel for CDPH and EPA have been notified.
- The SRF 2010 grant award has been sent to CDPH and needs to be signed so CDPH can draw upon the set-asides.

4) L.A. DWP Stage 2 MCL Extension

LADWP is on track with the LT2 covered reservoir schedule. The reservoir projects must be completed before L.A. DWP can install chloramination, which will take them past the April 2012 deadline for compliance with the Stage 2 DBP MCLs. LADWP wants a 2-year MCL extension rather than a compliance order. CDPH is meeting with LADWP to discuss this next month. We should be considering what we need to do in terms of a legal agreement within the next year to carry this out. It will depend on whether the state has the Stage 2 DBP regulations in place, etc. (It was noted that the Stage 1 agreement with LADWP was signed by both EPA and CDPH.) One other consecutive system that purchases water from LADWP has DBP issues.

5) Compliance and Enforcement

Arsenic. Regional compliance and enforcement staff have been helping to prepare senior management at EPA Headquarters to respond at the 12/8/09 Environment and Public Works (EPW) senate hearing. CDPH clarified that there were a number of systems on their arsenic MCL violations list that do not have MCL violations, but are small systems with monitoring/reporting violations without adequate data to make the running annual average calculation. Some LPAs apparently did not require all systems to complete quarterly monitoring.

LT2 small systems monitoring. E. coli monitoring has been received and filed by the various CDPH offices but has not been tracked/analyzed. This data needs to be checked to determine whether the E.coli trigger was exceeded, requiring a system to conduct cryptosporidium monitoring. For those systems that exceed the E. coli trigger, a cryptosporidium monitoring plan is due January 1, 2010 and cryptosporidium monitoring must begin in April 2010.

The District offices should review the LT2/Stage 2 compliance spreadsheets provided by Jason Gambatese and respond accordingly. In particular, Districts should respond with any information on Schedule 4 systems' eligibility for the 40/30 waiver and look into the two systems (Riverside Highland, Schedule 1, Riverside Co. and St. Helena, Schedule 2, Napa Co.) that do not appear to have submitted the required Stage 2 report.

6) Program Review (data verification audit)

There were no follow-up comments or discussion as the draft report has not yet been received from Cadmus.

7) Sanitary Survey Training.

Location	Training Dates (M-Th)	Local Contact
1) Richmond	March 1-4, 2010	Stefan Cajina (213) 580-5723
2) Los Angeles	March 8-11, 2010	Kurt Souza (805) 566-1326
3) Sacramento	March 8-11, 2010	Kim Wilhelm (916) 327-8302
4) Fresno	March 15-18, 2010	Carl Carlucci (559) 447-3132
5) So. California (TBD, in San Bernardino area)	March 15-18, 2010	Heather Collins (909) 383-4328

The contractor will be provided with the dates on Friday, December 4th. Kevin Ryan will set up a conference call with the REs the week of January 4th or 11th to further discuss. The DEs/REs will be looking for appropriate water systems (one GW and one SW) for the field portion of the trainings. CDPH will build on the existing security component of the training to fit California's unique situation. Before the end of December (before Duncan leaves), Gary and Leah's branch will provide a list of participants for each location so that we can determine LPA slot availability. This will help us determine the need for EPA to provide additional training for the LPAs. (There are 100 to 150 LPA staff who could conceivably need the training.) The contract should be in place by January and is dependent upon a security grant application and work plan.

8) Arsenic Trainings

Northern California training. RCAC planned to have the Northern California arsenic training in Napa in June 2010 in conjunction with the national RCAC meeting. However, it was noted that there are no arsenic issues in Napa. Sutter County (Yuba City or Live Oak) would be a better location for this training because that is where the arsenic problems are. EPA will communicate this to RCAC.

9) Regulatory training needs – National EPA contract with RWA.

Basic training on all the regulations is useful for small systems, particularly TCR in conjunction with GWR, surface water treatment rules, point of use devices and the allowances and restrictions in the new CA legislation, and the Stage 2 DBP rule. The

State would like the opportunity to review and approve the training material and have a consistent, standard training that occurs across the state. Some CDPH staff like to participant in these trainings and could deliver the training or be present to answer questions that arise during the trainings. Other staff are unable to participate due to workload and time constraints. RCAC should let EPA and CDPH know the scheduled dates for the training. It was noted that there are 30 systems in Fresno County that will violate the DBP rule because of the delivered project waster that they are using and that one county is lax on enforcing filtration requirements. EPA should do a SWTR SDWIS pull to see where small SWTR violations/problems are occurring and also check the SRF priority list to see where systems are moving from groundwater to GUDI designations and the accompanying required surface water treatment.